

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD LOWE,

Plaintiff,

CIVIL ACTION NO. 08-CV-10269-DT

vs.

DISTRICT JUDGE DAVID M. LAWSON

SEETHA VADLAMUDI,  
et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION  
FOR LEAVE TO FILE AMENDED COMPLAINT**

This matter comes before the Court on Plaintiff's Motion for Leave to File Amended Complaint filed on March 31, 2008. (Docket no. 18). No Defendant has responded to this motion. This action has been referred to the undersigned for decision on all pre-trial matters. (Docket no. 8). The Court dispenses with oral argument on this motion. E.D. Mich. LR 7.1(e). This motion is now ready for ruling.

Plaintiff, a Michigan prisoner, wishes to amend his Complaint pursuant to Fed. R. Civ. P. 15(a) to name Defendant Correctional Medical Services in both its individual and official capacities and to place the number 24 on one paragraph of his Complaint. (Docket no. 18). Rule 15(a) provides that a party may amend its pleading once as a matter of course prior to service of a responsive pleading or within twenty days of serving its pleading if no responsive pleading is required. Fed. R. Civ. P. 15(a)(1). Otherwise, leave to amend from the court or consent from the opposing party is required. Fed. R. Civ. P. 15(a)(2). Leave to amend is to be freely given when justice so requires. (*Id.*). The decision whether to permit amendment is committed to the discretion of the trial court. *Lucas v. Schneider Nat'l Carriers, Inc.*, 953 F.2d 644 (6<sup>th</sup> Cir. 1992) (unpublished).

Defendant Correctional Medical Services has filed an Answer in this action. (Docket no. 14). Therefore, either consent or leave of court is required before Plaintiff may amend his Complaint. Plaintiff has not shown that the opposing party has consented, however the Court finds that leave to amend should be granted. Plaintiff will be given a deadline for filing his Amended Complaint. A copy of the Amended Complaint should have been, but was not, submitted along with this motion.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Leave to File Amended Complaint (docket no. 18) is **GRANTED**. Plaintiff shall file his Amended Complaint on or before April 30, 2008.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: April 22, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Donald Lowe and Counsel of Record on this date.

Dated: April 22, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy